

United States Patent and Trademark Office

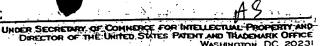
Gu

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,840	01/08/2001	Lars Bergholtz	027650-908	2930
21839	7590 07/31/2002			
BURNS DOANE SWECKER & MATHIS L L P			EXAMINER	
	POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404		AUGHENBAUGH, WALTER	
			ART UNIT	PAPER NUMBER
			1772	10
			DATE MAILED: 07/31/2002	10

Please find below and/or attached an Office communication concerning this application or proceeding.





Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

140ttee of 140th Compliance 2 2220
The amendment filed on $\frac{1}{2}$ $\frac{1}{2}$ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.
THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):
1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).
4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii). Explanation: 6000 0mendments to the Spec. Was not entered,
Crean Copy Missile.
(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf.

PRELIMINARY AMENDMENT: Unless applicant supplies the omission or correction to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

AMENDMENT AFTER NON-FINAL ACTION: Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to supply the omission or correction noted above in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Legal Instruments Examiner (LIE)

(Rev. 12/01)

Changes to the Patent Rules

October 20, 2000

Volume 1, Issue 3

This is the third in a series of Patent News Bulletins to assist you in keeping up to date with significant rule changes which affect your area. Keep this copy to use as a bookmark for your present MPEP, or view this bulletin again on the USPTO Website.

The rule package

"Changes to the Patent

Business Goals - Final

Rule," published in the

Federal Register on

September 8, 2000, 65

Fed. Reg. 54603 (Sept.

8, 2000), and the Official

Gazette on

September 19, 2000.

1238 Off. Gaz. Pat. Of-

fice 77 (September 19,

2000). The PBG rule

package makes a number

of revisions to Title 37.

Simplified Amendment Practice. Replacement paragraphs/sections/claims to be used. 37 CFR 1.121

Mandatory compliance with the revised rule is not required until March 1, 2001. It is suggested that applicants adopt the revised procedures on

or after November 7, 2000, in order to adjust to the changes in amendment practice. Under the new amendment practice, amendments to the specification must be made by the submission of clean new or replacement paragraph(s), section(s), specification, or claim(s). This practice will provide a specification

(including claims) in clean, or substantially clean, form that can be effectively captured and converted by optical character recognition (OCR) scanning during the patent printing pro-

The entire final rule may be found at the USPTO Website at http:// www.usplo.gov/web/ offices/dcom/olia/pbg/ index.html.

Areas and individuals primarily affected by this rule change include: (1)Patent Examiners and Tech Support Staff in the Technology Centers (2) Office of Patent Publication

Any questions related to this change in practice should be directed to Joe Narcavage, Special Projects Exr., (703-305-1795) or Liz. Dougherty, Legal Advisor, (703-306-3156) OPLA.

The new practice requires applicant to provide, in addition to the clean version of a replacement paragraph/section/claim, a marked-up version using applicant's choice of a conventional

marking system to indicate the changes, which will aid the examiner in identifying the changes that have been made. The marked-up version must be based on the previous version and indicate (by markings) how the previous version has been modified to produce the clean version submitted in the current amendment. The term "previous version" means the version of record in the application as originally filed or from a previously entered amendment.

The following format is suggested in an amendment paper: (1) a clean version of each replacement paragraph/section/claim with clear instructions for entry; (2) starting on a separate page, any remarks/arguments (37 CFR 1.111); and (3) starting on a separate page, a marked-up

version entitled "Version with markings to show changes made."

Applicants will also be able to submit a clean set of all pending claims, consolidating all previous versions of pending claims from a series of separate amendments into a single clean version in a single amendment paper. This submission of a clean version of all of the pending claims will be construed as directing the cancellation of all previous versions of any pending claims. No marked-up version will be required to accompany the clean version where no changes other than the consolidation are being made.

> The amended rule encourages issuance of applications with an examiner's amendment without practitioners/applicants having to file a formal amendment. Additions or deletions of subject matter in the specification, including the claims, may continue to be

made in an examiner's amendment at the time of allowance by instructions to make any change at a precise location in the specification or the claims. An examiner's amendmer may incorporate a printed copy of a fax or email amendment submitted by applicant. Only that part of the e-mail or fax directed to a clean version, or a portion of, a paragraph/ claim to be added should be printed and attached to the examiner's amendment, with a paper copy of the entire e-mail or fax being entered in the file. The electronic version of the e-mail is not required to be saved once the printed e-mail (and any attachments) become part of the application file record.

Amendment by paragraph/claim replacement in clean form.

MPEP 714+ & 1302.04

